

CLAIMS OF TITLE TO PORTIONS OF FORT CLINCH RESER-
VATION, AMELIA ISLAND, FLORIDA.

STATEMENT OF CLAIMS OF TITLE TO PORTIONS OF FORT CLINCH
RESERVATION ON AMELIA ISLAND, IN LOTS 1 AND 2 OF SECTION
14, TOWNSHIP 3 NORTH, RANGE 28 EAST, STATE OF FLORIDA.

FEBRUARY 27, 1904.—Ordered to be printed.

1. Prior to the ceding of Florida to the United States by Spain, the town of Fernandina, now known as Old Fernandina, was located on a portion of what is now known as Fort Clinch Reservation, and on lot 2 in section 14, township 3 north, range 28 east, according to public surveys, in Nassau County, State of Florida.

Several lots in this town on these lands were owned in fee by private individuals, by grants direct from Spain, made prior to the cession of Florida. The titles to these lots were afterwards confirmed by the United States to these original grantees and their heirs and assigns.

The records of these titles, and the acts of Congress referring thereto, may be found in the act of May 8, 1822 (3 Stat. L., 707), and act of May 26, 1824 (4 Stat. L., 47), and subsequent acts of 1827, 1828, and 1830, following the treaty with Spain ceding Florida, which is dated February 22, 1819.

2. Subsequently, after Florida was ceded by Spain to the United States, the public surveys were extended over this land on which the old town of Fernandina was situated, and, ignoring the existence of the town, the same was designated on the public surveys as lot 2 in section 14, township 3 north, range 28 east.

3. On February 2, 1842, said lot 1, section 14, and lot 2, section 14, were attempted to be reserved by order of the President as a military reservation, and on the 8th of September, 1848, a board was appointed to investigate this and other reservations, with a view to reducing same, and made its report on March 12, 1849, recommending certain reductions. The Secretary of War, on March 23, 1849, communicated with the Land Department, inclosing copy of the report, and requested "that so much of the several tracts designated in the report as is public lands may be reserved from sale," and stating further, that "this reservation will supersede that heretofore made of the islands of the Florida coast, and so much of the reservation, first, as is not included in any of the tracts enumerated in the inclosed report is relinquished by this Department."

Thereupon, May 2, 1850, instructions were issued by the Land Department including in this reservation, "all public land on the north end of Amelia Island."

Other lands lay "on the north end of Amelia Island." These lands were not "on the north end of Amelia Island."

August 4, 1851, Hon. D. L. Yulee located said lot 2 with Arredona scrip, and on September 5, 1853, a patent to this lot was issued to him by the United States. (See Miscellaneous Records of Patents, vol. 3, p. 99, G. L. O.)

On September 23, 1850, by act of Congress, certain lands in Florida were granted to the State of Florida as swamp and overflowed.

Said lot 1 was selected by the State of Florida as swamp and overflowed on December 17, 1851, and the approval thereof to the State was made by the Secretary of the Interior on January 25, 1853.

Through a chain of conveyances the title of David L. Yulee, under said patent, in said lot 2 was vested in the Florida Town Improvement Company, and it conveyed most of same to the Fernandina Development Company, who conveyed the lots on the water front to the Florida Central and Peninsular Railroad Company, the present claimant of the same.

Said lot 1, in section 14, was conveyed by the State of Florida to E. N. Dickerson, and through a chain of conveyances from him to the Fernandina Development Company. The United States never asserted any claim of title under the reservation until about 1886, when parties claiming under the Fernandina Development Company, including the Florida Central and Peninsular Railroad Company, were excluded from possession.

The military reservation was subordinate to the Spanish titles above mentioned.

If the effect of the order of 1849 was to release these lots from the military reservation the Yulee patent and the title of the State of Florida under the swamp and overflowed acts above mentioned are superior to the military reservation.

In 1897 the Secretary of War made an order reducing this military reservation on these lots 1 and 2 to a portion of the water front of lot 2. Even this portion of water lot 2 is not needed for military purposes. The Florida Central and Peninsular Railroad Company has a just right to the water front under the patent to Yulee and portions of the lots under the Spanish titles. Any claim of the United States thereto under its military reservation, or of the Interior Department since the military reservation was reduced, in 1897, should be procured by the Florida Central and Peninsular Railroad Company to protect its title under the patent from the United States to Yulee and under its Spanish title.